## **AMENDMENT**

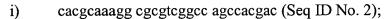
Kindly amend the application, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows.

Attached is a marked up version of the changes made to the claims by this amendment, captioned "Version With Markings to Show Changes Made."

## In the Claims

## Please amend the claims as follows:

- 1. (Amended) An isolated nucleic acid molecule with the function of a caryopsis-specific promoter, which nucleic acid molecule:
  - a) comprises the nucleic acid sequence defined by Seq ID No. 1 or deposited by DSM 13398 (plasmid p 11/1);
  - b) comprises one or more sequence elements selected from the group consisting of



- ii) agaaacaaac aaacaaacaa aaaagt (Seq ID No. 3);
- iii) cctttcagga cgatgcttcg gtgccttaag acacctacc tttgtgtcta tgacatgtga gcccaacag atggct (Seq ID No. 4);
- iv) cccgtctagg cgttcggtgt ccggcc (Seq ID No. 5);
- v) cagggagcct tcga (Seq ID No. 6);
- vi) tcagccagtt ccacccgtg cacg (Seq ID No. 7) and
- vii) tactctggtc atgttaa (Seq ID No. 8);
- c) comprises a functional portion of the nucleic acid sequence stated under a);
- d) comprises a sequence which hybridizes under stringent conditions with at least one of the nucleotide sequences stated under a) and/or b); and/or
- e) comprises a sequence which has approx. 75-99% identity with one of the nucleic acid sequences stated under a).
- 2. (Amended) The isolated nucleic acid molecule as claimed in claim 1, which is a promoter that is active in plants.
- 3. (Amended) An expression cassette comprising the isolated nucleic acid molecule as claimed in claim 1.

